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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/824,276	04/14/2004	Philip A. Shafer	1014-081US01/JNP-0336	6205
72689                      7590                      03/13/2009 SHUMAKER & SIEFFERT, P.A. 1625 RADIO DRIVE, SUITE 300 WOODBURY, MN 55125				
EXAMINER MADAMBA, GLENFORD J				
ART UNIT 2451		PAPER NUMBER		
NOTIFICATION DATE 03/13/2009		DELIVERY MODE ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

pairedocketing@ssiplaw.com

**Advisory Action  
Before the Filing of an Appeal Brief**

<b>Application No.</b> 10/824,276	<b>Applicant(s)</b> SHAHER ET AL.
<b>Examiner</b> Glenford Madamba	<b>Art Unit</b> 2451

***--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --***

THE REPLY FILED 28 January 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.  
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.  
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: \_\_\_\_\_.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: \_\_\_\_\_  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_  
13. ☒ Other: See Continuation Sheet.

/John Follansbee/  
Supervisory Patent Examiner, Art Unit 2451

Continuation of 13. Other: The Office has fully considered Applicant's remarks and/or arguments but has deemed them unpersuasive to overcome the current rejection of the claims in view of the applied prior art references. With regards to the claims, and claim 1 in particular, Applicant remarks that the combination of Viswanath and Kanada does not teach or disclose particular features of the claim, which recites in part: "applying an implementation-specific configuration policy to validate the changed candidate configuration data, wherein the implementation-specific configuration policy comprises a set of rules representing the specific operational requirements of the particular networks within which the network device operates." The Office respectfully disagrees and maintains that the combination of Viswanath and Kanada expressly and sufficiently discloses the above argued feature consistent with the language of the claims.

Viswanath, for example, at the very least expressly discloses "verifying and validating changes to configuration information" of network devices such as an Administration server 200 or Application server 202 [Abstract], wherein the information (e.g., meta information 226) may include server and component configuration information, as well as registered application information [0066], consistent with Applicant's own description for "validating changed configuration data for conformity according to a set of rules" (i.e., syntactical and semantic rules) [0006]. Further, while Applicant has attempted to distinguish over "configuration policy based on syntactical and semantic rules", the amended and additional feature of "wherein the implementation-specific configuration policy comprises a set of rules representing the specific operational requirements of the particular networks within which the network device operates" is insufficient to overcome Viswanath since the recitation of "implementation-specific configuration policy comprising a set of rules representing the operational requirements" of the network device and the network in which it operates, still reads on Viswanath's exemplary disclosure above. There is nothing in the language of the current claim recitation to exclude the exemplary embodiment of a configuration policy based on syntactical and semantic rules, as described by both Applicant's claimed invention and Viswanath. In the regard, the Office notes that while the Office is aware of the 'differences' between the claimed invention and the teachings and disclosures of the Viswanath prior art teachings and disclosures, the Office reminds Applicant that "while the claims are read in light of the written description, features in the specification cannot be read into the claims".

Moreover, even assuming that the 'amendment' could be interpreted by one of ordinary skill to mean a "configuration policy that is implementation-specific and comprises a set of rules" that is exclusive of "configuration policy according syntactical and semantic rules", then the Office respectfully submits and asserts that this interpretation of the argued claim feature is nonetheless expressly disclosed by Kanada who discloses as his invention a method and system for controlling a policy-based network including a policy server and at least one node which it controls [Abstract]. Kanada also teaches as part of his invention that a 'network device' or router "uses policy rules in Quality of Service control, Access Control, and so forth" [0041-0042]. A policy comprising a set of rules [Figure 4] is thus 'implemented' by the router depending on its operational function or role (e.g., a router operating as an 'Edge or Core Router') [0054-0056]. In this regard, Kanada thus at the very least discloses an 'implementation-specific configuration policy comprising a set of rules representing the specific operations; requirements...in which the network device operates." Further, in response to Applicant's remark that the policy rules taught by Kanada are not analogous to the 'implementation-specific configuration policy' of claim 1, the Office again notes that that while the Office is aware of the 'differences' between the claimed invention and the teachings and disclosures of the Viswanath prior art teachings and disclosures, the Office reminds Applicant that "while the claims are read in light of the written description, features in the specification cannot be read into the claims".

Finally, with respect to Applicant's argument regarding dependent claims 2-3, 16-17 and 29-30, the Office remarks that the claims fully incorporate and/or inherit all of the recited features of their respective parent independent claims, and the Office thus maintains its rejection of the claims for at least the same reasons provided above for claim 1. Further, the Office maintains that Viswanath's express disclosure of a 'warning' with regards to a possible error with configuration data and a mechanism for 'resolving' or correcting the error discloses the argued limitations of claim 2, as cited.